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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,244	05/01/2001	Melissa D. Beebe	M-9898 US	9206

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EXAMINER	
GORT, ELAINE L	
ART UNIT	**PAPER NUMBER**
3627	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/847,244	BEEBE ET AL.	
	Examiner	Art Unit	
	Elaine Gort	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 19-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. The Applicant stated in the Response filed September 22, 2005 that a Terminal Disclaimer was submitted with the Response. The Examiner is unable to locate a copy of this Terminal Disclaimer and requests that the Applicant please re-submit a copy.

3. **Claims 1-12 and 19-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of copending Application No. 10/320889, claims 1-31 of copending Application No. 10/774330, and claims 1-62 of copending Application No. 10/172306.**

Although the conflicting claims are not identical, they are not patentably distinct from each other because '889, '330 and '306 show all steps of the claims.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-12 and 19-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick (US Patent 5,983,200) in view of Yamamoto et al. (US Patent 5,914,878) and Examiner's Official Notice.

Slotnick discloses the claimed method for scheduling work for mass-producing items in a factory but is silent regarding determining current inventory and generating a material delivery schedule. Yamamoto et al discloses that it is known in the art to determine raw material ordering/delivery schedules based on current inventories and orders (see abstract) to prevent carrying excessive inventories while providing efficient control and supply of raw materials. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method for scheduling work of Slotznick with the inventory tracking and generation of a material delivery schedule as taught by Yamamoto et al., in order to prevent carrying excessive inventories while providing efficient control and supply of raw materials.

The following is provided for clarification purposes:

A method for scheduling work and delivery of material for mass-producing items in a factory comprising (Slotznick discloses a method for scheduling work for mass-

produced items such as flowers and gift items; see 166, 168 and 154 in figure 8 for scheduling work; Examiner has used Yamamoto et al. to teach the need for scheduling the delivery of material by means of a raw material ordering system which determines required quantities for specific time periods):

Obtaining at least one outstanding customer order, wherein each outstanding customer of the at least one outstanding customer order includes an item ordered by a customer, and producing the item requires a required quantity of a required material (Siotznick, for example, discloses an order placed for a flower arrangement which inherently requires a quantity or a required material, such as a dozen roses, see 166 in figure 8);

Determining a current state of an available inventory of at least one material from a plurality of material sources (Yamamoto et al. discloses calculating inventory by adding one or more inventory sources together to get a total available inventory, for example as shown in figure 41);

Periodically generating a work schedule and a material delivery schedule for producing the item using the at least one outstanding customer order and the current state of the available inventory (Slotznick discloses periodically during the day checking if any new orders have been entered that must be shipped today and if so shipping the order today. In producing that shipment the work schedule is generated to produce that shipment. Examiner has used Yamamoto et al. to teach that it is old and well known to use material delivery schedules to provide efficient control of needed raw materials.), wherein

The periodically generating occurs at fixed time intervals (Examiner takes official notice that it is old and well known in the art of scheduling to use fixed time intervals to provide a systematic routine. For example, the florist may check the system every hour to ensure that they are quickly updated of any deliveries that need to go out that day.);

The periodically generating occurs more than once during a manufacturing shift (Slotznick discloses "periodically during the day" which the Examiner construes to occur more than once during a manufacturing shift, figure 8);

The determining the current state of the available inventory is performed such that the determining the current state of the available inventory is completed immediately prior to the generating the work schedule and the material delivery schedule (Yamamoto et al. discloses the use of inventory data in determining order quantities and for setting daily production plans, abstract); and

The obtaining the at least one outstanding customer order is performed such that the obtaining the customer order is completed immediately prior to the generating the work schedule and the material delivery schedule (In Slotznick the customer order is obtained by the florist immediately prior to the generation of the work schedule in order to ship the order, figure 8);

(Regarding claims 2 and 20) wherein the at least one outstanding customer order and the current state of the available inventory are posted continuously for the generating the work schedule and the material delivery schedule (Customer orders are entered into the system and thus are "posted" continuously. Examiner takes Official

Notice that automated inventory tracking systems are notoriously old and well known in the art of inventory systems in order to efficiently track inventory, therefore the use of an automated inventory tracking system would have been obvious at the time of the invention to provide efficient tracking of inventory.);

(Regarding claims 3 and 21) wherein the at least one outstanding customer order and the current state of the available inventory are posted continuously to an automated data warehouse (Customer orders are entered and saved into the system and thus are "posted" continuously to an automated data warehouse. Examiner takes Official Notice that automated inventory tracking systems are notoriously old and well known in the art of inventory systems in order to efficiently track inventory, therefore the use of an automated inventory tracking system would have been obvious at the time of the invention to provide efficient tracking of inventory. The storage of this inventory data would be saved in a database that would be "an automated data warehouse".);

(Regarding claims 4 and 22) wherein the determining the current state of the available inventory includes determining for each material of the at least one material of the available inventory:

a material source of the plurality of material sources from which the material can be obtained, where the material source is updated continuously (Yamamoto et al. discloses manufacturers of raw material in figure 27 for the purpose of obtaining additional raw materials);

an available quantity of the available material at the material source, wherein the available quantity is updated continuously (Examiner take official notice that it is

notoriously old and well know in the art of manufacturing to obtain inventory levels of suppliers in order to ensure adequate supply of material for production, therefore it would have been obvious to one of ordinary skill at the time of the invention to provide the method, as modified above, with supplier inventory tracking means to ensure adequate supply of material for production.);

an available time of the available quantity of the material at the material source to each operation of at least one operation of each manufacturing line of at least one manufacturing line of the factory, wherein the availability time is updated continuously (Yamamoto et al. discloses that it is old and well know to track standard lead times for raw materials from suppliers in figure 27 in order to know how long it will take to obtain the necessary materials, therefor it would have been obvious to one of ordinary skill at the time of the invention to provide the method, as modified above, with lead times to ensure timely supply of materials for production.);

(Regarding claims 5 and 23) wherein the obtaining the at least one outstanding customer order includes using a status for each customer order of at least one customer order, wherein the status for each customer order is updated continuously; and

the status for each outstanding customer order corresponds to an outstanding status (Slotznick discloses orders having delivery dates and as being occasional or periodic, see figure 8 reference 156);

(Regarding claims 6 and 24) wherein the available inventory comprises external inventory (Examiner take official notice that it is notoriously old and well know in the art of manufacturing to obtain inventory levels of suppliers in order to ensure adequate

supply of material for production, therefore it would have been obvious to one of ordinary skill at the time of the invention to provide the method, as modified above, with supplier inventory tracking means to ensure adequate supply of material for production.);

(Regarding claims 7 and 25) wherein the available inventory comprises work-in-progress inventory (Examiner takes Official Notice that in a typical operation inventory is held in three different forms: as raw material (includes suppliers and inventory in transit), work-in-process (semi completed goods) and finished goods inventories. Therefore it would have been obvious to one of ordinary skill at the time of the invention to provide the method, as modified above, with the tracking of work-in-progress inventory to track available inventory throughout the production process.);

(Regarding claims 8 and 26) wherein the available inventory comprises in-transit inventory (Examiner takes Official Notice that in a typical operation inventory is held in three different forms: as raw material (includes from suppliers and inventory in transit), work-in-process (semi completed goods) and finished goods inventories. Therefore it would have been obvious to one of ordinary skill at the time of the invention to provide the method, as modified above, with the tracking of in-transit inventory to track available inventory.);

(Regarding claims 9 and 27) wherein the available inventory comprises in-house inventory (Examiner takes Official Notice that in a typical operation inventory is held in three different forms: as raw material (includes from suppliers and inventory in transit), work-in-process (semi completed goods) and finished goods inventories. Therefore it

would have been obvious to one of ordinary skill at the time of the invention to provide the method, as modified above, with the tracking of in-house inventory (such as in-house raw material, work-in-process and finished goods) to track available inventory.);

(Regarding claims 10 and 28) wherein the periodically generating the work schedule and the material schedule includes generating the work schedule and the material delivery schedule every two hours (Examiner takes official notice that it is old and well known in the art of scheduling to use fixed time intervals to provide a systematic routine. For example, the florist may check the system every two hours to ensure that they are quickly updated of any deliveries that need to go out that day. Therefore it would have been obvious to one of ordinary skill in the art to check the system in a two hour interval in order to update the work schedule in a systematic way to keep current.);

(Regarding claims 11 and 29) wherein the manufacturing shift comprises a number of hours less than or equal to eight; and the periodically generating the work schedule and the material schedule includes generating the work schedule and the material delivery schedule a plurality of times during the manufacturing shift (Slotznick discloses periodically checking during the day which the Examiner construes to be a manufacturing shift which is "a number of hours less than or equal to eight".);

(Regarding claims 12 and 30) wherein the plurality of material sources comprises an external material source, the external material source providing an external inventory of a first material of the at least one material of the available inventory; and

the determining the available inventory of the material includes using an external visibility interface module to determine the available inventory of the first material in the external inventory (Examiner takes official notice that it is notoriously old and well know in the art of manufacturing to obtain inventory levels of suppliers via a networked system in order to ensure adequate supply of material for production, therefore it would have been obvious to one of ordinary skill at the time of the invention to provide the method, as modified above, with automated supplier inventory tracking means to ensure an adequate supply of material for production.);

(Regarding claim 19) A method for scheduling work and delivery of material for mass-producing information handling systems in a factory comprising (Slotznick discloses a method for scheduling work for mass-produced items such as flowers and gift items; see 166, 168 and 154 in figure 8 for scheduling work; Examiner has used Yamamoto et al. to teach the need for scheduling the delivery of material by means of a raw material ordering system which determines required quantities for specific time periods. Regarding the use of the system for producing information handling systems the Slotznick method would be "capable" of scheduling work and delivery of information handling systems in a factory. It would be obvious for one of ordinary skill in the art of manufacturing to use the system of Slotznick for scheduling work for information handling systems in order to provide customers the ability to order and to efficiently schedule the manufacturing of information handling systems):

Obtaining a plurality of customer orders, each customer order of the plurality of the customer orders including an ordered information handling system, the customer

order specifying components for the corresponding ordered information handling system (just as Slotznick discloses customer specifying components for gifts such as what type of flowers, vase, card, etc... customer's would for example specify components to their computer), producing the information handling system ordered by the customer requiring a plurality of components, and at least one of the plurality of components varying from one ordered information handling system and another ordered information handling system based upon components specified by the customer (The systems would be produced in accordance to the customer's selection which would vary based upon what components they selected);

Determining a current state of an available inventory of at least one component from a plurality of component sources (Yamamoto et al. discloses calculating inventory by adding one or more inventory sources together to get a total available inventory, for example as shown in figure 41);

Periodically generating a work schedule and a material delivery schedule for producing the ordered information handling system using the customer order and the current state of the available inventory (Slotznick discloses periodically during the day checking if any new orders have been entered that must be shipped today and if so shipping the order today. In producing that shipment, the work schedule is generated to produce that shipment. Examiner has uses Yamamoto et al. to teach that it is old and well known to use material delivery schedules to provide efficient control of needed raw materials.), wherein

The determining the current state of the available inventory is performed such that the determining the current state of the available inventory is completed immediately prior to the generating the work schedule and the material delivery schedule (Yamamoto et al. discloses the use of inventory data in determining order quantities and for setting daily production plans, abstract); and

The obtaining each of the plurality of customer orders is performed such that the obtaining the plurality of customer orders is completed immediately prior to the generating the work schedule and the material delivery schedule (In Slotznick the customer order is obtained by the florist immediately prior to the generation of the work schedule in order to ship the order, figure 8. Examiner has used Yamamoto et al. to disclose the use of determining raw material needs and ordering that is based on existing inventory and orders).

Response to Arguments

6. Applicant's arguments filed September 22, 2005 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant has merely recited huge sections of the claims with many limitations and stated that Slotznick and Yamamoto, taken alone or in combination, do not disclose or suggest these many limitations. Examiner has provided a detailed discussion showing the elements and the interpretation of the

rejection and the combination of Slotznick and Yamamoto. Applicant has not specifically pointed out how the language of the claims patentably distinguishes them from the references.

Conclusion

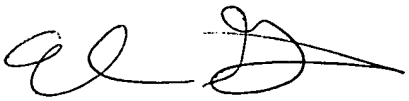
7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Tuesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571/272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elaine Gort
Examiner
Art Unit 3627

November 28, 2005